IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Examiner: James A. Regan

Group Art Unit: 3621

In re Application of:
GANESH MANI

Serial No. 09/662,958

Filed: September 15, 2000

METHODS AND SYSTEMS FOR
ELECTRONIC AGENCY IN
PERFORMANCE OF SERVICES

Attorney Docket No. 284355-00003-1

SUPPLEMENTAL APPEAL BRIEF

October 18, 2005

Commissioner for Patents
MAIL STOP APPEAL BRIEF - PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an Appeal from the decision of the Examiner, dated September 17, 2004, rejecting Claims 1-70 and 90-93 of the above-identified application. The claims are set forth in the Claims Appendix, which is attached hereto. Due to the specific nature of the issues involved in this Appeal, an Oral Hearing is not deemed necessary and is not requested.

Real Party In Interest

The real party in interest is Ganesh Mani.

Related Appeals and Interferences

There are no other appeals or interferences known to Appellant or to Appellant's legal representative which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

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Status of the Claims

Claims 1-70 and 90-93 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker et al.* (U.S. Patent No. 5,862,223) in view of *Lloyd* (U.S. Patent No. 4,876,648).

Claims 71-89 have been canceled.

Status of the Amendments

There are currently no amendments to the pending claims. The claims as they stand on Appeal are contained in the Claims Appendix to this Brief.

Summary of the Claimed Subject Matter

The present invention provides a method for a principal to electronically locate an agent, give the agent a power of attorney, pay the agent, and for an agent to perform a service requested by a principal 114. *See* Fig. 1 and page 3, lines 13-15.

This invention further provides a computer implemented method for a principal to electronically establish and use an agent. The method includes the following steps: the principal identifying a service requirement 102, the principal submitting an electronic request for service 106, negotiating terms by principal and agent 108, establishing an electronic power of attorney, the agent performing said requested service 114, and, the principal paying said agent. *See* Fig. 1 and page 3, lines 17-22.

This invention further provides a computer readable medium containing instructions for performing a method for a principal to electronically establish and use an agent. The method includes the following steps: the principal identifying a service requirement 102, the principal submitting an electronic request for service 106, negotiating terms by principal and agent 108, establishing an electronic power of attorney, the agent performing said requested service 114, and, the principal paying said agent. *See* Fig. 1 and page 3, lines 24-30.

This invention further provides a computer system containing instructions for performing a method for a principal to electronically establish and use an agent. The method includes the following steps: the principal identifying a service requirement 102, the principal submitting an electronic request for service 106, negotiating terms by principal and agent 108, establishing an electronic power of attorney, the agent

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performing said requested service 114, and, the principal paying said agent. *See* Fig. 1 and page 4, lines 1-6.

The following independent claims 1, 33, and 52 are argued separately below.

1.   A computer implemented method for a principal to electronically establish and use an agent, said method comprising the steps of:

      (a)   said principal identifying (102) a service requirement;

      (b)   said principal submitting (106) an electronic request for service;

      (c)   negotiating (108) terms by principal and agent;

      (d)   establishing (110) an electronic power of attorney; and

      (e)   using (112) an electronic device to verify said agent is performing said requested service. .

33.   A computer readable medium containing instructions for performing a method for a principal to electronically establish and use an agent, said method comprising the steps of:

      (a)   said principal identifying (102) a service requirement;

      (b)   said principal submitting (106) an electronic request for service;

      (c)   negotiating (108) terms by principal and agent;

      (d)   establishing (110) an electronic power of attorney;

      (e)   using (112) an electronic device to verify said agent is performing said requested service.

52.   A computer system having a computer readable medium containing instructions for performing a method for a principal to electronically establish and use an agent, said method comprising the steps of:

      (a)   said principal identifying (102) a service requirement;

      (b)   said principal submitting (106) an electronic request for service;

      (c)   negotiating (108) terms by principal and agent;

      (d)   establishing (110) an electronic power of attorney;

(e)   using (112) an electronic device to verify said agent is performing said requested service.

Grounds of Rejection to be Reviewed on Appeal

Claims 1-70 and 90-93 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker et al.* (U.S. Patent No. 5,862,223) in view of *Lloyd* (U.S. Patent No. 4,876,648).

Argument

Claims 1-70 and 90-93; Rejected under 35 U.S.C. § 103(a).

Claims 1-70 and 90-93 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Walker et al.* (U.S. Patent No. 5,862,223) in view of *Lloyd* (U.S. Patent No. 4,876,648). As previously noted by the Examiner, *Walker* does not disclose the use of an electronic power of attorney between a principal and an agent. Appellant further notes that *Walker* fails to even suggest such a power of attorney between a principal and an agent. The Examiner notes that *Lloyd* discloses a power of attorney in both the Abstract and at Col. 7, L. 64 – Col. 8, L. 6 and Col. 8 L. 16-28.

Initially, Appellant notes that the *Lloyd* Abstract reads in full:

> A computerized mortgage implementing system includes a
> central service computer, which helps establish and maintain
> mortgage plans based upon mortgages at least partially
> collateralized by investment vehicles. Both a plurality of
> groups of investment vehicle information and mortgage
> information are stored in the service computer. Borrower
> information is entered in the service computer when a
> mortgage plan is to be established. An individual one of the
> groups of investment information is selected. A desired
> amount of the investment funding is determined for helping
> repay a mortgage plan. Mortgage implementing information
> is generated for a given mortgage plan, and is sent to a
> mortgage lender computer to facilitate the establishment of
> the mortgage plan.

Thus, the Abstract fails to mention a power of attorney or any other type of agency relationship. Appellant further notes that the sentence describing how the notice in the sentence cited by the Examiner, states that, "Thirty days prior to the date, the program sends a notice of the option and then choices that are available to the

borrower **by registered mail**." *Lloyd* at Col. 7, L. 60-62 (emphasis added). That is, *Lloyd* discloses the use of a traditional pen-and-paper power of attorney form. This non-electronic form is, apparently, converted to an electronic form so it may be included as an attachment to an electronic notice, Col. 8, L. 16-28, but the power of attorney is not established as an electronic document. Thus, *Lloyd* fails to disclose an "electronic power of attorney" as asserted by the Examiner.
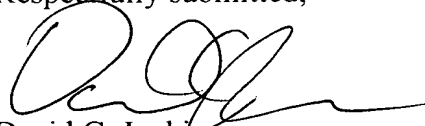
Moreover, as stated in, *In re Geiger*, 815 F.2d 686, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987), "obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, *absent some teaching, suggestion, or incentive* supporting combination" (emphasis added). Put another way, "the mere fact that disclosures or teachings of the prior art can be retrospectively combined for the purpose of evaluating obviousness/nonobviousness issue does not make the combination set forth in the invention obvious, unless the art also suggested the desirability of the combination ...." *Rite-Hite Corp. v Kelly Co.*, 629 F.Supp. 1042, 231 U.S.P.Q. 161, *aff'd* 819 F.2d 1120, 2 U.S.P.Q.2d 1915 (E.D. Wis. 1986) (emphasis added). Similarly, the court in, *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991), stated that "both the suggestion [to make the claimed apparatus] and the reasonable expectation of success must be found in the prior art, not in the Appellants' disclosure." Here, there is no suggestion that the cited references should be combined.

Accordingly, neither *Walker* nor *Lloyd* disclose the use of an electronic power of attorney as claimed in the present application. Moreover, even if one of the references did disclose the use of an electronic power of attorney, there is no "*teaching, suggestion, or incentive*" supporting a combination of the references as relied upon by the Examiner. As such, the rejection of claims 1, 33, and 52 under 35 U.S.C. §103(a) as being unpatentable over *Walker et al.* in view of *Lloyd* should be reversed. Claims 1, 33, and 52 are all of the independent claims of the present application. The remaining claims rely on their dependency for patentability as well as the fact that, for the reasons identified above, the references cannot be combined to be used as the basis for rejecting each of the dependent claims under 35 U.S.C. §103(a).

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Conclusion

It is submitted that Claims 1-70 and 90-93 are patentable over the prior art. Therefore, it is requested that the Board reverse the Examiner's rejections of Claims 1-70 and 90-93 and remand the application to the Examiner for the issuance of a Notice of Allowance.

Respectfully submitted,

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CLAIMS APPENDIX

1.   A computer implemented method for a principal to electronically establish and use an agent, said method comprising the steps of:

      (a)   said principal identifying a service requirement;

      (b)   said principal submitting an electronic request for service;

      (c)   negotiating terms by principal and agent;

      (d)   establishing an electronic power of attorney; and

      (e)   using an electronic device to verify said agent is performing said requested service.

2.   The method of claim 1, wherein said step of submitting a request for service includes the steps of:

      (a)   identifying the service requested;

      (b)   providing a database having information relating to available agents; and

      (c)   connecting an agent able to perform said requested service with said principal.

3.   The method of claim 2, wherein said submitting a request for service further includes the steps of:

      (a)   said principal identifying terms and conditions relating to the performance of said requested service; and

      (b)   transmitting said terms and conditions to available agents.

4.   The method of claim 3, wherein said negotiating step includes the steps of:

      (a)   establishing constraints on the performance of said agent.

5.   The method of claim 4, wherein said constraint is a soft constraint.

6.   The method of claim 4, wherein said constraint is a hard constraint.

7. The method of claim 4, wherein said step of establishing an electronic power of attorney includes the steps of:

    (a) generating a power of attorney document; and

    (b) electronically signing said power of attorney document.

8. The method of claim 7, wherein said step of establishing an electronic power of attorney further includes the steps of:

    (a) electronically verifying said electronic signature; and

    (b) providing an electronic key that allows said agent to access selected information about said principal electronically.

9. The method of claim 8, wherein said electronic verification is performed by an asymmetric cryptosystem.

10. The method of claim 8, wherein said electronic verification is performed by a biometric method.

11. The method of claim 8, wherein said selected information about said principal is stored in an information database and said step of agent performing said requested service includes the steps of:

    (a) said agent accessing said principal information database;

    (b) said agent interacting with third parties to perform said requested service; and

    (c) said agent reporting completion of said requested service to said principal.

12. The method of claim 11, wherein said third parties can electronically verify the status of said agent.

13. The method of claim 11, wherein said step of using an electronic device to verify said agent is performing said requested service includes the steps of:

    (a) said agent updating said information database with a status report; and

(b)   said principal accessing said information database.

14.   The method of claim 11, wherein said step of using an electronic device to verify said agency is performing said requested service includes the steps of:

(a)   said agent generating a status report; and

(b)   said agent delivering said report to said principal.

15.   The method of claim 11, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

(a)   said principal terminating said power of attorney.

16.   The method of claim 11, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

(a)   terminating said power of attorney upon said agent violating said terms and conditions or said constraints.

17.   The method of claim 91, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a)   said principal paying a web site provider for an allotment of agent time;

(b)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(c)   said web site provider paying said agent for said requested service.

18.   The method of claim 91, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a)   paying said agent a fixed fee;

(b)   said principal paying a web site provider for an allotment of agent time; and

(c)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(d)   said web site provider paying said agent for said requested service.

19.   The method of claim 91, wherein said step of said principal using an electronic device to pay said agent includes the steps of:
(a)   paying said agent an hourly basis;
(b)   said principal paying a web site provider for an allotment of agent time;
(c)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and
(d)   said web site provider paying said agent for said requested service.

20.   The method of claim 1, wherein said step of establishing an electronic power of attorney includes the steps of:
(a)   generating a power of attorney document; and
(b)   electronically signing said power of attorney document.

21.   The method of claim 20, wherein said step of establishing an electronic power of attorney further includes the steps of:
(a)   electronically verifying said electronic signature; and
(b)   providing an electronic key that allows said agent to access selected information about said principal electronically.

22.   The method of claim 21, wherein said electronic verification is performed by an asymmetric cryptosystem.

23.   The method of claim 21, wherein said electronic verification is performed by a biometric method.

24.   The method of claim 1, wherein said selected information about said principal is stored in an information database and said step of agent performing said requested service includes the steps of:

(a) said agent accessing said principal information database;

(b) said agent interacting with third parties to perform said requested service; and

(c) said agent reporting completion of said requested service to said principal.

25. The method of claim 24, wherein said third parties can electronically verify the status of said agent.

26. The method of claim 24, wherein said step of using an electronic device to verify said agent is performing said requested service includes the steps of:

(a) said agent updating said information database with a status report; and

(b) said principal accessing said information database.

27. The method of claim 24, wherein said step of using an electronic device to verify said agent is performing said requested service includes the steps of:

(a) said agent generating a status report; and

(b) said agent delivering said report to said principal.

28. The method of claim 24, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

(a) said principal terminating said power of attorney.

29. The method of claim 24, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

(a) terminating said power of attorney upon said agent violating said terms and conditions or said constraints.

30. The method of claim 90, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a) said principal paying a web site provider for an allotment of agent time;

(b) deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(c) said web site provider paying said agent for said requested service.

31. The method of claim 90, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a) paying said agent a fixed fee;

(b) said principal paying a web site provider for an allotment of agent time; and

(c) deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(d) said web site provider paying said agent for said requested service.

32. The method of claim 90, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a) paying said agent an hourly basis;

(b) said principal paying a web site provider for an allotment of agent time;

(c) deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(d) said web site provider paying said agent for said requested service.

33. A computer readable medium containing instructions for performing a method for a principal to electronically establish and use an agent, said method comprising the steps of:

(a) said principal identifying a service requirement;

(b) said principal submitting an electronic request for service;

(c) negotiating terms by principal and agent;

(d) establishing an electronic power of attorney;

(e)   using an electronic device to verify said agent is performing said requested service.

34.   The computer readable medium of claim 33, wherein said step of submitting a request for service includes the steps of:

(a)   identifying the service requested;

(b)   providing a database having information relating to available agents; and

(c)   connecting an agent able to perform said requested service with said principal.

35.   The computer readable medium of claim 34, wherein said submitting a request for service further includes the steps of:

(a)   said principal identifying terms and conditions relating to the performance of said requested service; and

(b)   transmitting said terms and conditions to available agents.

36.   The computer readable medium of claim 35, wherein said negotiating step includes the steps of:

(a)   establishing constraints on the performance of said agent.

37.   The computer readable medium of claim 36, wherein said constraint is a soft constraint.

38.   The computer readable medium of claim 36, wherein said constraint is a hard constraint.

39.   The computer readable medium of claim 33, wherein said step of establishing an electronic power of attorney includes the steps of:

(a)   generating a power of attorney document; and

(b)   electronically signing said power of attorney document.

40. The computer readable medium of claim 39, wherein said step of establishing an electronic power of attorney further includes the steps of:

(a) electronically verifying said electronic signature; and

(b) providing an electronic key that allows said agent to access selected information about said principal electronically.

41. The computer readable medium of claim 40, wherein said electronic verification is performed by an asymmetric cryptosystem.

42. The computer readable medium of claim 40, wherein said electronic verification is performed by a biometric method.

43. The computer readable medium of claim 33, wherein said selected information about said principal is stored in an information database and said step of agent performing said requested service includes the steps of:

(a) said agent accessing said principal information database;

(b) said agent interacting with third parties to perform said requested service; and

(c) said agent reporting completion of said requested service to said principal.

44. The computer readable medium of claim 43, wherein said third parties can electronically verify the status of said agent.

45. The computer readable medium of claim 43, wherein said step of using an electronic device to verify said agent is performing said requested service includes the steps of:

(a) said agent updating said information database with a status report; and

(b) said principal accessing said information database.

46. The computer readable medium of claim 43, wherein said step of using an electronic device to verify said agent is performing said requested service includes the steps of:

    (a)   said agent generating a status report; and

    (b)   said agent delivering said report to said principal.

47. The computer readable medium of claim 43, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

    (a)   said principal terminating said power of attorney.

48. The computer readable medium of claim 43, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

    (a)   terminating said power of attorney upon said agent violating said terms and conditions or said constraints.

49. The computer readable medium of claim 92 , wherein said step of said principal using an electronic device to pay said agent includes the steps of:

    (a)   said principal paying a web site provider for an allotment of agent time;

    (b)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

    (c)   said web site provider paying said agent for said requested service.

50. The computer readable medium of claim 92, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

    (a)   paying said agent a fixed fee;

    (b)   said principal paying a web site provider for an allotment of agent time; and

    (c)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(d) said web site provider paying said agent for said requested service.

51. The computer readable medium of claim 92, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a) paying said agent an hourly basis;

(b) said principal paying a web site provider for an allotment of agent time;

(c) deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(d) said web site provider paying said agent for said requested service.

52. A computer system having a computer readable medium containing instructions for performing a method for a principal to electronically establish and use an agent, said method comprising the steps of:

(a) said principal identifying a service requirement;

(b) said principal submitting an electronic request for service;

(c) negotiating terms by principal and agent;

(d) establishing an electronic power of attorney;

(e) using an electronic device to verify said agent is performing said requested service.

53. The computer system of claim 52, wherein said step of submitting a request for service includes the steps of:

(a) identifying the service requested;

(b) providing a database having information relating to available agents; and

(c) connecting an agent able to perform said requested service with said principal.

54. The computer system of claim 53, wherein said submitting a request for service further includes the steps of:

(a)   said principal identifying terms and conditions relating to the performance of said requested service; and

(b)   transmitting said terms and conditions to available agents.

55.   The computer system of claim 54, wherein said negotiating step includes the steps of:

(a)   establishing constraints on the performance of said agent.

56.   The computer system of claim 55, wherein said constraint is a soft constraint.

57.   The computer system of claim 55, wherein said constraint is a hard constraint.

58.   The computer system of claim 52, wherein said step of establishing an electronic power of attorney includes the steps of:

(a)   generating a power of attorney document; and

(b)   electronically signing said power of attorney document.

59.   The computer system of claim 58, wherein said step of establishing an electronic power of attorney further includes the steps of:

(a)   electronically verifying said electronic signature; and

(b)   providing an electronic key that allows said agent to access selected information about said principal electronically.

60.   The computer system of claim 59, wherein said electronic verification is performed by an asymmetric cryptosystem.

61.   The computer system of claim 59, wherein said electronic verification is performed by a biometric method.

62.   The computer system of claim 52, wherein said selected information about said principal is stored in an information database and said step of agent performing said requested service includes the steps of:

(a)   said agent accessing said principal information database;

(b)   said agent interacting with third parties to perform said requested service; and

(c)   said agent reporting completion of said requested service to said principal.

63.   The computer system of claim 62, wherein said third parties can electronically verify the status of said agent.

64.   The computer system of claim 62, wherein said step of using an electronic device to verify said agent is performing said requested service includes the steps of:

(a)   said agent updating said information database with a status report; and

(b)   said principal accessing said information database.

65.   The computer system of claim 62, wherein said step of using an electronic device to verify said agent is performing said requested service includes the steps of:

(a)   said agent generating a status report; and

(b)   said agent delivering said report to said principal.

66.   The computer system of claim 62, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

(a)   said principal terminating said power of attorney.

67.   The computer system of claim 62, wherein said step of using an electronic device to verify said agent is performing said requested service includes the step of:

(a)   terminating said power of attorney upon said agent violating said terms and conditions or said constraints.

68.   The computer system of claim 93, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a)   said principal paying a web site provider for an allotment of agent time;

(b)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(c)   said web site provider paying said agent for said requested service.

69.   The computer system of claim 93, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a)   paying said agent a fixed fee;

(b)   said principal paying a web site provider for an allotment of agent time; and

(c)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(d)   said web site provider paying said agent for said requested service.

70.   The computer system of claim 93, wherein said step of said principal using an electronic device to pay said agent includes the steps of:

(a)   paying said agent an hourly basis;

(b)   said principal paying a web site provider for an allotment of agent time;

(c)   deducting the time said agent spent on said step of said agent performing said requested service from said time bank; and

(d)   said web site provider paying said agent for said requested service.

71.-88. (Canceled)

90. The method of claim 1 including the further step of said principal using an electronic device to pay said agent.

91. The method of claim 11 including the further step of said principal using an electronic device to pay said agent.

92. The computer readable medium of claim 33 including the further step of said principal using an electronic device to pay said agent.

93. The computer system of claim 52 including the further step of said principal using an electronic device to pay said agent.

None

None

Related Proceedings Appendix

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OIPE
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PATENT & TRADEMARK OFFICE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/662,958
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First Named Inventor	Ganesh Mani
Art Unit	3621
Examiner Name	James A. Regan
Attorney Docket Number	284355-00003-1

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ENCLOSURES (Check all that apply)

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| Firm or Individual name | David C. Jenkins
Eckert Seamans Cherin & Mellott, LLC |
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| Date | October 18, 2005 |

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Applicant(s) ...... Ganesh Mani ....

Ser. No. ...09/662,958.............. SUPPLEMENTAL APPEAL BRIEF

Paper dated .... 10/18/2005 ....

Atty's File No. ....284355-00003-1 ....

Due Date ...10/22/2005 ....

DCJ/jlj